

**Categorical Exclusion Documentation Format for Actions Other Than
Hazardous Fuels and Fire Rehabilitation Actions**

**Black Canyon Water Improvement District
Water Facility Right-Of-Way (ROW) Renewal
DOI-BLM-AZ-P010-2011-053- CX**

A. Background

BLM Office: Hassayampa Field Office (HFO)

Lease/Serial/Case File No.: AZA-10636

Proposed Action Title/Type: Renewal for a Water Facility ROW

Applicant: Black Canyon City Water Improvement District

Project Code: LLAZPO10000 1430 ER

Location of Proposed Action:

T. 8 N., R. 2 E., G&SR Meridian, Maricopa and Yavapai Counties, Arizona
Section 9, NENE.

USGS Black Canyon City 7.5 Minute Series Quadrangle, Topographic Map, Arizona – Maricopa and Yavapai Counties; The subject land is located off I17, at exit 242, in Black Canyon City. A county maintained road (A-543) ends in the general area of the pipeline. See enclosed EXHIBIT “C”, driving directions and visual map to AZA-10636.

Description of Proposed Action:

The applicant requests a 30-year ROW renewal of an existing water utility pipeline (AZA-10636) for use to transport water to Yavapai County’s Little League Baseball field (recreation and public purposes act A-9885).

See enclosed EXHIBIT “A”, Water Facility Topographic Map and EXHIBIT “B”, Water Facility Site Map. The pre-existing ROW is 685.11 feet in length and 15 feet in width. The total amount of public land involved is approximately 0.236 acres.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Bradshaw Harquahala Resource Management Plan

Date Approved/Amended: 4/1/2010

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Land Use Authorization LR-24, “Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

C: Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with BLM NEPA Handbook H-1790-1, Appendix 4 or 516 Departmental Manual (DM) 11.9:

Categorical Exclusions E. Realty (9), “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

A categorical exclusion (CX) is appropriate as there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in H-1790-1, Appendix 5 or 516 DM 2, Appendix 2 apply.

[NOTE: Appropriate staff should determine exception, comment, and initial for concurrence. If exceptions apply to the action or project, and existing NEPA documentation does not address it (i.e., Part III) then further NEPA analysis is required. Attachment 1 (BLM Categorical Exclusions: Extraordinary Circumstances), enclosed, is a checklist of each extraordinary circumstance and corresponding staff concurrence].

D. Signature

Review: We have determined that the proposal is in accordance with CX criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.

Prepared by: _____
/S/ Hillary Conner
Hillary Conner
Realty Specialist

Reviewed by: _____
/S/ Jim Andersen
Jim Andersen
Lead Realty Specialist

Reviewed by: _____
/S/ Leah Baker
Leah Baker
Planning & Environmental Coordinator

E. Contact Person

For additional information concerning this CX review, contact: Hillary Conner, Hassayampa Field Office Realty Specialist, by phone 623-580-5649, e-mail hconner@blm.gov, or the Bureau of Land Management Phoenix District Office address at 21605 N. 7th Avenue Phoenix, Arizona 85027.

Note: A separate decision document must be prepared for the action covered by the CX.

F. Recommendation

Project Description: The applicant has applied for the renewal of ROW AZA-10636, authorization for the continued use of existing water utility pipeline (also known as ‘water facility’). The water facility provides water to the Yavapai County’s Little League Baseball field (recreation and public purposes act A-9885). No construction is involved. The water facility is on approximately 0.236 acres of public land. If approved, the grant would be issued for another thirty-year term, beginning May 19, 2008, and set to expire December 31, 2037.

Determination: Based on a review of the project described above and field office staff recommendations in Attachment 2 (Specialist Comments for the Renewal of AZA-10636 Water Facility), I have determined the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I concur with the proposed action provided the decision document includes the mitigation measures/stipulations outlined in Attachment 3 (BLM Mitigation Measures/Other Remarks for AZA-10636).

Approved by: /S/ Rem Hawes
FOR Steve Cohn
Hassayampa Field Manager

Date: 10/21/2011

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

CRITERIA	<u>Comment (Y/N)</u>	<u>Staff Initial</u>
1. Have significant impacts on public health and safety?	<u>NO</u>	<u>TB, HC</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	<u>NO</u>	<u>TB, CC, CM, HC</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	<u>NO</u>	<u>TB, CC, CM, HC</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<u>NO</u>	<u>TB, CC, CM, HC</u>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	<u>NO</u>	<u>TB, CC, CM, HC</u>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<u>NO</u>	<u>CC, CM, HC</u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	<u>NO</u>	<u>CM, HC</u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	<u>NO</u>	<u>CC, HC</u>
9. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	<u>NO</u>	<u>CM, HC</u>
10. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	<u>NO</u>	<u>CM, HC</u>

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|--|-----------|-------------------|
| 11. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? | <u>NO</u> | <u>HC</u> |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? | <u>NO</u> | <u>TB, CC, HC</u> |

¹ If an action has any of these impacts, you must conduct NEPA analysis.

Persons/Agencies Consulted:

- ❖ BLM, Field Office Resource Specialists - Wildlife Biologist Codey Carter (CC), Archeologist Chris McLaughlin (CM), Recreation Specialist Tom Bickauskas (TB), Realty Specialist Hillary Conner (HC).

Specialist Comments for the Renewal of AZA-10636 Water Facility
Attachment 2

Codey Carter, Wildlife Biologist:

“Since the pipeline is existing there should be little or no impact to wildlife species or habitat due to renewing the permit. There is no T&E species habitat in the area. This pipeline is located within the broad classification of category II desert tortoise habitat. Desert tortoise is a candidate for the endangered species list, but renewing this permit should have little or no impact on desert tortoise or its habitat.”
9/12/2011

Chris McLaughlin, Archeologist:

“This APE was previously surveyed in its entirety in 1978. No impacts to cultural/historic resources are expected. Please include standard discovery language.” 9/15/2011

Tom Bikauskas, Recreation Planner:

“Existing development – no effect.” 9/13/2011

Hillary Conner, Realty Specialist:

“The water facility is pre-existing, therefore it will not have any new effects on other rights-of-ways in the area. Renewal of the water pipeline is advised as long as the terms and conditions of the original grant, in addition to any other specialist recommended mitigation measures and compliance with all existing/future laws and regulations, are incorporated into the new grant.” 9/12/2011

BLM Mitigation Measures/Other Remarks for AZA-10636

Attachment 3

1. All terms and conditions of the original grant continue to apply.
2. All applicable regulations in accordance with 43 Code of Federal Regulation (CFR) 2800.
3. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the Authorized Officer (AO). The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made the AO to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the AO after consulting with the holder.
4. The holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, United States (U.S.) Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the AO and the respective installing authority if known. Where GLO or BLM ROW monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the AO. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
5. The holder shall inform the AO within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
6. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the impending regulations, that may be enacted and issued during the term of the grant.
7. The holder shall not use BLM managed land that is within, adjacent to, or outside the ROW for the long-term storage of any materials, equipment, or vehicles during any construction, operation, maintenance, and/or termination activities associated with the ROW.
8. Holder shall maintain the ROW in a safe, usable condition, as directed by the AO.
9. The holder shall operate and maintain any improvements, within this ROW, in strict conformity with that which has been approved by this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the AO.
10. The ROW reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional ROW, leases, or easements on BLM land for compatible uses over, under, within or adjacent to the lands involved in this grant.

11. No vegetative material, debris or refuse shall be disposed of either within the ROW or on any other federal land. Instead, the holder shall dispose of any vegetative material, debris and/or refuse at legal off-site locations.
12. The holder of this ROW or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
13. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the AO concurrent with the filing of the reports to the involved Federal agency or State government.
14. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
15. The holder shall fully indemnify or hold harmless the U.S. for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the ROW.
16. The holder agrees to indemnify the U.S. against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et. seq.) on the ROW, unless the release or threatened release is wholly unrelated to the ROW holder's activity on the ROW. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
17. This ROW may be renewed. If renewed, the ROW will be subject to regulations existing at the time of renewal, and such other terms and conditions deemed necessary to protect the public interest.
18. Upon expiration of the ROW or upon abandonment, whichever comes first, the holder will restore the lands to their natural grade and condition so far as it is practicable and/or to the satisfaction of the AO.
19. Prior to termination of the ROW, the holder shall contact the AO to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.